

Application No. 10/776,072
Amendment dated July 28, 2006
Reply to Office Action of June 29, 2006

Docket No.: 65858-0028

REMARKS

Applicant is in receipt of the Notice of Non-Compliant Amendment dated June 29, 2006. Applicant inadvertently used a draft set of claims in the May 16, 2006 submission. Claims 1-26 have now been restored to their original format.

This response is intended to be fully responsive to the office action having a mailing date of April 20, 2006. Claims 27-33, directed to non-elected Group II have been canceled. New independent claim 34 has been added that includes limitations of claims 1, 2, 3, 8, 9, 10 and 11.

In the original office action the Examiner indicated that upon the selection of one of the groups, the Applicant would then have to elect one of the following disclosed species for prosecution on the merits to which the claims would be restricted if no generic claim were finally held to be allowable. The Examiner indicated that the Applicant had to elect between species A1, directed to a selection subsystem influenced by prior determination (claim 2) and species A2, directed to a selection subsystem influenced by event flag (claim 3). However, these claims depend from independent claim 1. Therefore, independent claim 1 must be generic. Nevertheless, Applicant elects the species of claim 2 with traverse. It is respectfully submitted that the subject matter of both species are sufficiently related that a through search of the subject matter of one of the species would encompass the subject matter of the other species. See MPEP § 803, which states that "[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." (Emphasis added). This policy should apply in the present application to avoid unnecessary delay and expense to the Applicants and duplicative examination by the Patent Office.

Moreover, the Examiner required that upon the election of species of A1 or A2, the applicant would be further required under 35 U.S.C.121 to elect one of the following disclosed subspecies for prosecution on the merits. The Examiner indicated that the subspecies were directed to:

- B1. Providing for a belief metric (claim 8).
- B2. Providing for a plausibility metric (claim 9).
- B3. Providing for a plurality of probability metrics (claim 10).

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B4. Providing for an incoming probability mass and past probability mass (Claim 11).

The Examiner's requirement that Applicant elect a subspecies upon the election of species A1 or A2 respectfully makes no sense. Claims 8, 9, 10 and 11 depend in no way from claims 2 or 3, associated with species A1 and A2, respectively. Nevertheless, Applicant elects subspecies B1 associated with claim 8.

It is noted above, claim 34 has been added to the application which includes all the limitations associated with generic claim 1, species A1 and A2, as well subspecies B1 through B4.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 65858-0028 from which the undersigned is authorized to draw.

Dated: July 28, 2006

Respectfully submitted,

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